



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

52

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,760	10/25/2001	Phillip Kent Freyman	PD05990AM	4295
24375	7590	04/28/2005	EXAMINER	
VOLPE AND KOENIG, P.C. DEPT. MOT UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			POWERS, WILLIAM S	
			ART UNIT	PAPER NUMBER
			2134	
DATE MAILED: 04/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/002,760

Applicant(s)

FREYMAN ET AL.

Examiner

William S. Powers

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-8 have been examined. Claim 1 is the only independent claim.

#### ***Oath/Declaration***

2. The Office acknowledges receipt of a properly signed oath/declaration filed October 25, 2001.

#### ***Information Disclosure Statement***

3. The Office acknowledges receipt of the Information Disclosure Statement filed August 28, 2003. An initialed copy of the form 1449 is attached.

#### ***Specification***

4. It is required that VOIP, paragraph 26, line 4, be changed to VoIP to comply with the spelling used earlier in the specification and the generally accepted spelling of the Voice over Internet Protocol acronym.

***Claim Objections***

5. Claim 1 is objected to because of the following informalities: In claim 1, line 2 “a outside data port...” is disclosed. This should read “an outside data port...”

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Applicant does not clearly define what is meant by the phrase “operations management control function services” (claim 2, line 2), therefore the claim scope is uncertain. However, the claim will be considered by the Examiner defining the term as “telephony connections” (paragraph 22, line 6).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4 and 6,8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,671,357 to Roberts, Jr.

As per claim 1, Roberts discloses an apparatus with connections to an input terminal 30 and an output terminal 32 (Figure 2) for processing voice and data transmissions (column 4, lines 48-55). The apparatus is made of a filter and processor that divides the telecommunications signals into voice and data components (column 5, lines 15-27). A user activated switch that has two states: one state allows connection to the Internet and use of the telephone network and a second state that blocks Internet access without impeding telephone use (column 7, lines 36-44). Roberts, Jr. discloses that the apparatus could be a digital signal processor (column 5, lines 41-43), but does not specifically disclose a programmable logic controller.

A [programmable logic controller], PLC, "is a microprocessor based device with either modular or integral input/output circuitry that monitors the status of field connected

Art Unit: 2134

"sensor" inputs and controls the attached output "actuators" according to a user-created logic program.

(Wikipedia, [en.wikipedia.org](http://en.wikipedia.org))

Applicant's use of the term PLC does not correspond to this specific definition. Roberts, Jr.'s device is a controller, is programmable and executes logic (column 5, lines 42-53).

As per claim 2, Roberts, Jr. discloses a public switched telephone network (PSTN) that is connected to the interrupt apparatus (column 4, lines 5-7) wherein telephone voice services are available when data transmissions are blocked (column 6, lines 36-41).

As per claim 3, Roberts, Jr. discloses a switch with 2 states (column 4, lines 59-64).

As per claim 4, Roberts, Jr. discloses said switch programmed to open when unsupervised/unauthorized access to the Internet, (column 6, lines 10-26) through a PC (column 9, lines 1-2), is attempted.

As per claim 6, Roberts, Jr. discloses LED indicators as an output device to convey information about the state of Internet connectivity (column 6, lines 41-49).

Art Unit: 2134

As per claim 8, Roberts, Jr. discloses an LED that blinks when the data transmission connection is interrupted (column 6, lines 42-50).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,671,357 to Roberts, Jr. in view of Special Edition Using Microsoft Windows 2000 Professional by Cowart et al.

Roberts, Jr. discloses various outputs to signal the status of the connection to the Internet, but does not disclose an icon representing the Internet connection status of the PC (column 9, lines 1-2).

Cowart et al teaches a connection icon located in the system tray of the Windows 2000 operating system that shows whether or not the ISP connection is active. In this way, the user need only look in the lower right corner to determine if there is an active connection to the ISP.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use the Windows 2000 operating system of Microsoft

Art Unit: 2134

with the invention of Roberts, Jr. to display the status of the ISP connection on the desktop.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,671,357 to Roberts, Jr. in view of U.S. Patent No. 6,154,465 to Pickett.

Roberts, Jr. discloses the use of at least one light emitting diode (LED) to indicate the state of the data transmission connection (Roberts, Jr. does not specifically disclose a second LED to indicate the state of the voice transmission connection.

Pickett teaches a Remote Management Console that manages system status, including voice, with LEDs (column 37, lines 37-48) so that users easily check operational states of the communications system "at-a-glance" (column 37, lines 44-45).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to implement the apparatus of Roberts, Jr. with the additional system management outputs of Pickett, specifically voice service status as represented by an LED device, to visually convey the status of the voice transmission connection.

### ***Conclusion***



Art Unit: 2134

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,633,808 to Morishima discloses simultaneous processing of voice and data transmissions.

U.S. Patent No. 4,924,456 to Maxwell et al. discloses an LED device for voice transmission connection status.

U.S. Patent No. 6,660,950 to Fonseca discloses software-activated switch to control Internet access.

U.S. Patent No. 5,938,767 to Horn discloses a switch that controls access to the Internet with 2 states and a controller unit.

U.S. Patent No. 6,272,533 to Browne discloses a switch that controls Internet access and connection status indicator lights.

U.S. Patent No. 6,477,249 to Williamson et al. discloses a device that separates a transmission into voice and data layers.

U.S. Patent No. 4,387,271 to Artom discloses a system where voice and data devices operate concurrently from a common source.

U.S. Patent No. 5,666,359 to Bennett et al. discloses LED device that represent connection status of voice and data transmissions.

U.S. Patent No. 6,504,838 to Kwan discloses a call discriminator that separates incoming transmissions into voice and data layers.

U.S. Patent No. 6,442,169 to Lewis discloses an apparatus that distinguishes incoming transmissions into voice and data layers.

Art Unit: 2134

U.S. Patent Application No. 2002/0083337 to Welcher et al. discloses a manual and software activated switch to control Internet access.

U.S. Patent Application No. 2002/0007459 to Cassista et al. discloses LED device that represent connection status of voice and data transmissions.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William S. Powers, whose telephone number is (571) 272-8573. The examiner can normally be reached Monday-Friday from 7:30 AM to 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
PO Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

Art Unit: 2134

PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (886) 217-9197 (toll-free).

WSP



April 25, 2005



GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100